



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0723-18

LAURA CARSNER, Appellant

v.

THE STATE OF TEXAS

ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE EIGHTH COURT OF APPEALS
EL PASO COUNTY

Per curiam.

OPINION

Appellant was convicted of capital murder and sentenced to life without the possibility of parole. The trial court denied Appellant's motion for new trial based on newly discovered evidence. The court of appeals initially concluded that Appellant was entitled to a new trial based on the newly discovered evidence and reversed the conviction.¹ This Court vacated that determination and

¹ *Carsner v. State*, 415 S.W.3d 507 (Tex. App.—El Paso 2013), *vacated*, 444 S.W.3d 1 (Tex. Crim. App. 2014).

remanded the case to the court of appeals on the basis that that court had failed to analyze the first two prongs of the applicable test.² On remand, the court of appeals concluded that neither of the first two prongs of the test had been met.³ This Court initially granted Appellant’s petition for discretionary review to examine these holdings. Having examined the record and the briefs, and having heard oral argument, we now conclude that our decision to grant review was improvident. We therefore dismiss Appellant’s petition for discretionary review as improvidently granted.

Delivered: June 5, 2019

Do not publish

² *Carsner v. State*, 444 S.W.3d 1 (Tex. Crim. App. 2014).

³ *Carsner v. State*, NO. 08-11-00326-CR, 2018 Tex. App. LEXIS 4400 (Tex. App.—El Paso June 15, 2018) (not designated for publication).